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INFORMATION REPORT

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1. Attached is a translation of the Polish Decree of 19 April 1951, No. 22. Section 172, on the Military Service of Officers and Generals of the Armed Forces of Poland.
2. An evaluation of this report is requested.

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DECREE OF 19 APRIL 1951, NO. 22, SECTION 172

ON THE MILITARY SERVICE OF OFFICERS AND GENERALS

OF THE ARMED FORCES OF POLAND

CHAPTER I

GENERAL PROVISIONS

ARTICLE I. Any soldier who has had the necessary military and specialized preparation for performing duties in the field of basic military command and political education, or for carrying on other directive functions of the Armed Forces, and who satisfies all moral political requirements may be an officer of the Armed Forces.

ARTICLE II. 1. The following personnel corps of officers shall be established:

- (1) corps of commanding officers (chiefs);
- (2) corps of political officers;
- (3) corps of technical officers;
- (4) corps of officers of the quartermasters' service;
- (5) corps of officers of the sanitary service;
- (6) corps of officers of the veterinary service;
- (7) corps of officers of the judge-advocate's service;
- (8) corps of officers of the administrative service.

2. The Minister of National Defense may, in accordance with the organizational requirements of the Armed Forces, appoint other corps of officers or divide the corps according to military specialties.

3. The Minister of National Defense shall lay down the principles governing inclusion or transfer of officers in corps or in special military branches.

ARTICLE III. As a result of his connection with military service, the officer may be a career officer, a reserve officer or an officer exempted from military service.

ARTICLE IV. An officer on active duty is:

- (1) a career officer;
- (2) an officer recalled from the reserve for military service for the period of such service;
- (3) an officer exempted from the general obligatory duty recalled to service in case of mobilization or in time of war for the period of such service.

ARTICLE V. All duties and rights of officers not regulated by law shall be determined by the norms, dispositions, orders, regulations, instructions, etc. of the Minister of National Defense.

ARTICLE VI. Wherever the Decree uses the words:

- (1) "Officer", it shall be understood to mean officers and generals irrespective of their connection with military services;
- (2) "Rank of officers", it shall include the rank of general also, unless the particular norms specify otherwise.

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CHAPTER 2

RANK OF OFFICERS

ARTICLE VII. 1. The following ranks shall be established:

Lower officers: standard bearer; ensign ("gonfaloniere"; Polish "chorazy");
2nd lieutenant;
lieutenant;
captain.

Higher officers: major, lieutenant commander ("Komander-podporucznik");
lt. colonel, commander ("Komander-porucznik");
colonel, captain ("Komander").

2. The following ranks of generals shall be established:

brigadier general, rear admiral;
major general, vice-admiral;
general of the army, admiral;
full general.

3. The rank of marshal of Poland shall be established.

ARTICLE VIII. The Minister of National Defense may, in assigning ranks to officers, specify the corps or special branch to which the officer shall be attached.

ARTICLE IX. 1. The Minister of National Defense shall be in charge of all promotions to military ranks.

2. The Council of Ministers may, in time of war, empower other military authorities to grant promotions.

ARTICLE X. The President of the Republic on advice of the Minister of National Defense shall grant promotions to the rank of general.

ARTICLE XI. The President of the Republic shall grant the rank of Marshal of Poland for special merit in the Armed Forces of the People's Poland.

ARTICLE XII. 1. The prerequisite for promotion to the lowest rank of officer is a diploma from a military school for officers either for taking a course or for passing the examination for officer.

2. The Minister of National Defense shall decide upon the schools and the courses, the diploma and the conditions for promotion to the lowest rank, and shall decide upon the norms and conditions governing the taking of an examination for officers.

3. The Minister of National Defense shall determine the cases in which completion of various schools and courses or the taking of examinations will justify promotion to the rank of 2nd lieutenant or to a higher rank as the initial rank of the officer.

ARTICLE XIII. The condition governing promotion of an officer to a higher grade is previous possession of the immediately lower rank.

ARTICLE XIV. 1. The condition governing promotion of a career officer to a higher rank is that he should have gained an adequate evaluation of service and should have had the following periods of service in the rank previously held:

standard bearer (ensign)	- 1 year;
2nd lieutenant	- 2 years;
lieutenant	- 3 years;

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captain - 4 years;
major, lt. commander - 4 years;
lt. colonel, commander - 5 years.

2. The Ministry of National Defense may make it a condition of promotion to stated ranks in each corps or special military branch that the officer should have finished certain schools (fixed in advance).

ARTICLE XV. Any soldier with special qualifications or knowledge for military service in a given rank may be promoted to the first or next rank, even though he does not satisfy the provisions of articles 12, 13 and 14.

ARTICLE XVI. The provisions of articles XII-XV shall be applied in time of peace; conditions governing promotions in time of war shall be determined by the Council of Ministers.

ARTICLE XVII. Every officer's rank is for life.

ARTICLE XVIII. 1. Any officer may be dishonorably discharged if he is condemned to prison by sentence of the courts.

2. Any officer may be deprived of his rank in the following cases:

- (1) As specified in paragraph 1.
- (2) For having voluntarily deserted his own unit or his duty or absenting himself therefrom, or not answering a call to military service, within the term provided, if penal proceedings started for such reasons have been suspended because of the absence of the officer.
- (3) If the officer has committed an act of high treason, a crime against the loyalty of a soldier, a crime against his duty as a soldier or any other crime against orders, against security or against the basic economic interests of the People's Poland, if sentence could not be pronounced because of circumstances covered by law which preclude prosecution.

3. The authorities who were authorized to grant the rank held by the officer shall decide upon dishonorable discharge or demotion of an officer in the cases envisaged in paragraphs 1 and 2.

4. An officer may also be dishonorably discharged or lose his rank through disciplinary procedure based on the definitive principles of the disciplinary regulations.

ARTICLE XIX. Any officer shall, by course of law, lose his rank in case of loss of Polish citizenship, in case of a court sentence to loss of public rights, civil rights, or degradation.

ARTICLE XX. 1. For special merit in serving the People's Poland, a soldier may be reinstated in his rank.

2. Reinstatement in rank after demotion because of sentence to loss of public or civil rights cannot take place before the end of the term of sentence.

3. Authorities who may decide on restitution of rank:

- (1) The authorities in charge of promotion in cases of dishonorable discharge or demotion (Article XIX);
- (2) The President of the Republic on advice of the Minister of National Defense in cases of demotion (Article XIX).

4. In cases of dishonorable discharge or demotion as a disciplinary proceeding, restitution of rank may be effected on the basis of the definitive principles of the disciplinary regulations.

5. In cases of dishonorable discharge for reasons specified in Article XVIII, paragraph 2, item 2, the authority in charge of appointments shall restore to the soldier the rank of which he was deprived if he has not been sentenced to

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prison as a result of the penal proceedings instituted against him unless sentence could not be pronounced because of circumstances covered by law which preclude prosecution.

CHAPTER 3OFFICERS ON ACTIVE MILITARY DUTY

ARTICLE XXI. 1. The title of an officer on active military duty is his official rank.

2. The Minister of National Defense shall decide on what principle and by what method officers on active duty may use their scientific and professional titles and ranks.

ARTICLE XXII. 1. The Minister of National Defense or the authorities empowered by him shall appoint officers on active duty to their posts.

2. The Council of Ministers may, in time of war, empower other military authorities to appoint officers on active duty to their posts.

3. The provisions of paragraphs 1 and 2 do not apply to the duties to which the officer may be appointed by the President of the Republic in conformity with the regulations in force or the list of duties set up by the President of the Republic.

ARTICLE XXIII. 1. The Minister of National Defense may, with the consent of the appropriate supreme authority, appoint officers on active duty to certain duties outside the army in conformity with the needs of the army or the defense of the State.

2. Officers charged with duties outside the army will be considered on active duty and can be recalled at any moment from duty outside the army by the Minister of National Defense.

3. Detailed regulations on appointing officers to duties outside the army and their particular rights and duties inherent in the execution of such duties shall be established by the President of the Council of Ministers in agreement with the Minister of National Defense.

ARTICLE XXIV. 1. During their term of duty officers on active duty must wear their uniforms, insignia, and arms.

2. The Minister of National Defense may exempt any officer or group of officers from wearing their uniforms, insignia, or arms.

3. Regulations on uniforms, military insignia, and arms are issued by the Minister of National Defense.

ARTICLE XXV. Officers on active duty are subject to evaluation of service on the basis of principles and methods specified by the Minister of National Defense.

ARTICLE XXVI. 1. All officers on active duty are forbidden to accept paid work outside the army.

2. If required by public welfare, the Minister of National Defense, or authorities empowered by him, may permit officers on active duty to engage in paid work outside the army.

ARTICLE XXVII. The Minister of National Defense shall establish the conditions governing publication, or dissemination in any other form, of any scientific, literary, or artistic work or work as a publicist put out by these officers.

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ARTICLE XXVIII. Before going abroad or sojourning there, officers on active duty must obtain a permit from the Minister of National Defense or the military authorities empowered by him.

ARTICLE XXIX. An officer on active duty will receive a salary, equipment, billet, medical aid, reduction in State transportation fares, and other annual allowances and sums for service separately provided in the regulations.

ARTICLE XXX. The rights of officers to pensions, disability pensions or payments and other services, on cessation of active service, are covered by separate regulations.

CHAPTER 4

CAREER OFFICERS

ARTICLE XXXI. The Minister of National Defense issues calls to career service and discharges from it.

ARTICLE XXXII. 1. The following persons may be admitted to career service:

- (1) Persons who have been graduated from schools for career officers;
- (2) Reserve officers - on their request or that of the office.

2. The method of calling officers to career service shall be established by the Minister of National Defense.

ARTICLE XXXIII. Noncommissioned career officers shall become career officers by promotion to the rank of officer.

ARTICLE XXXIV. 1. A career officer is appointed to higher rank depending on the evaluation of service and his qualifications within the limits of vacant posts.

2. A career officer may be appointed to a lower post:

- (1) If, on the basis of evaluation of service, he proves unsuitable for the post occupied by him;
- (2) If the state of his health renders it impossible for him to execute the duties of the post he occupies;
- (3) For organizational reasons;
- (4) Through disciplinary measures applied under the disciplinary regulations.

3. If the officer be appointed to a lower post on account of the state of his health or for organizational reasons, the Minister of National Defense may grant him the previously received salary.

ARTICLE XXXV. 1. In peacetime, a career officer shall have 30 days leave of absence per year.

2. The Minister of National Defense may, by reason of certain circumstances or conditions in the service, grant career officers longer leaves of absence, up to 45 days per year.

3. If important reasons connected with the service do not permit granting officers leave of absence in any given year, this leave must be granted during the first three months of the next calendar year.

ARTICLE XXXVI. Career officers may obtain leave of absence for reasons connected with the service or other important reasons commensurate with and according to the principles established by the Minister of National Defense.

ARTICLE XXXVII. The Minister of National Defense shall decide upon the competence of military authorities and the procedure in all questions on leaves of absence.

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ARTICLE XXXVIII. Career officers may join organizations or associations outside the army with the permission of the Minister of National Defense.

ARTICLE XXXIX. Career officers may take courses of studies outside the army on authorization by the Minister of National Defense.

ARTICLE XL. The Minister of National Defense may transfer his rights based on Articles XXXVIII and XXXIX to military authorities under him.

ARTICLE XLI. 1. A career officer may resign under the following conditions:

- (1) The statement by a military medical commission that he is completely incapacitated for military service;
- (2) For an officer, having reached the age of 60; for a general, 65;
- (3) Having been dishonorably discharged or demoted;
- (4) Having received the disciplinary sentence of discharge (discharge from career service).

2. The Minister of National Defense may, upon the officer's request, retain him in the career service, although he has reached the age specified in paragraph 1, subparagraph (2).

ARTICLE XLII. A career officer may be discharged from career service:

1. On reaching the age limit for the rank of:

standard bearer (ensign)	- 30
2nd lieutenant	- 30
lieutenant	- 35
captain	- 40
major, lt. commander	- 45
lt. colonel, commander	- 50
colonel, captain	- 55

2. On not having served on account of an illness lasting at least 6 months out of 12 consecutive months;

3. On the officer's request;

4. On the request of a higher competent authority when the officer has been appointed to another public service;

5. Impossibility of employing the officer in career service for organizational reasons;

6. Establishment in the evaluation of service of his unsuitability for career service;

7. If, by order of a court of justice or of a public minister, the officer remains in preventive arrest for at least 3 months;

8. Condemnation of the officer by court sentence to imprisonment.

ARTICLE XLIII. 1. No career officer shall be discharged for reasons given in Article XLI, paragraph 1, (1) and (2) and Article XLII (1) and (2) during the serious illness of this officer before the expiration of 6 months from the day on which he became ill.

2. "A serious illness" is understood to mean an illness which renders an officer completely and permanently or temporarily incapable of fulfilling his duties in the service or in paid employment.

ARTICLE XLIV. Career officers discharged from military service (Articles XLI and XLII), depending upon their age and capabilities for

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military service will join the reserve or be exempted from universal military duty.

ARTICLE XLV. Any career officer discharged from career service who, according to special regulations, has no right to free medical aid, may obtain such aid from the medical aid organizations for workers whose employment has been terminated.

CHAPTER 5

RESERVE OFFICERS

ARTICLE XLVI. The military service of reserve officers is covered by the regulations on universal military duty.

ARTICLE XLVII. 1. In the period between military exercises, the military authorities may entrust reserve officers with given duties in the military service.

2. Such duties shall not take the officer away from his normal work or from his occupation in the establishment where he works or from an educational institution.

3. The basis of exemption from the duties under paragraph 1 and the rights and duties of the officer in this connection, shall be established by the Minister of National Defense.

ARTICLE XLVIII. 1. A reserve officer may be promoted to a higher rank even if he is not on active military service.

2. The competent promoting authority may deprive the officer of his rank upon proof of his unsuitability for military service in that rank.

ARTICLE XLIX. The principles according to which reserve officers may make use of their official rank will be established by the Minister of National Defense.

ARTICLE L. 1. Reserve officers may be granted permission to wear uniforms and insignia according to the principles established by the Minister of National Defense.

2. The rights and duties of reserve officers who have permission to wear uniforms and insignia will be established by the Minister of National Defense.

ARTICLE LI. The regulations under Articles XXXVI and XXXVII, respectively, shall be applied to reserve officers on active duty.

CHAPTER 6

OFFICERS EXEMPT (DISCHARGED) FROM UNIVERSAL

MILITARY DUTY

ARTICLE LII. In case of mobilization or war, the regulations on universal military duty shall determine the duties of officers exempt from universal military duty within the framework of military service.

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CHAPTER 7

TEMPORARY AND FINAL REGULATIONS

ARTICLE LIV. 1. Military medical commissions will determine the physical and psychological capacity of officers in the military service, the degree of loss of capacity for professional work and the causal correlation of such loss with military service.

2. The Minister of National Defense will decide upon the principles governing the examination and the establishment of the degree of loss of capacity for professional work, and its correlation with military service, as well as the composition and procedure of military medical commissions.

ARTICLE LV. The time limits included in the above regulations, within which career officers are retired, are the same as those for officers discharged from career service with pension rights.

ARTICLE LVI. 1. Depending on their age, retired officers, by virtue of the law in force, are transferred to the reserve or exempted from universal military duty.

2. Transfer to the reserve or exemption from universal military duty under paragraph 1 shall not prejudice the right of these officers to pensions or of their families to subsidies and assistance.

ARTICLE LVII. Officers and noncommissioned officers on the career list covered by Article LXII, paragraph 2 and Article LXIX of the Decree of 3 April 1948 on the military service of officers of the Polish army who have asked to be retired before 30 (sic) June 1948 but whose connection with the service has not yet been settled shall, depending upon their age or capacity for service, be retired or exempted from military service, with pension rights in conformity with the regulations established by Article LXII of the above-mentioned decree.

ARTICLE LVIII. The provisions of Article XLV apply to noncommissioned officers in career service.

ARTICLE LIX. The provisions of the decree as to dishonorable discharge, demotion, or loss of rank shall be applied even if the reasons justifying the dishonorable discharge, demotion, or loss of rank were confirmed before the entry in force of the decree.

ARTICLE LX. 1. The provisions of the decree as to reserve officers or officers exempted from universal military service shall be applied to officers (women) of the auxiliary military service or to officers (women) exempted from the women's military services.

2. According to age and capacity for service, a career officer (woman), discharged from career service, shall be transferred to the reserve or exempted from the women's military service.

ARTICLE LXI. 1. The prerogatives of the Minister of National Defense and the authorities under him, covered by the decree with regard to the domestic army, shall be exercised by the Minister of Public Security and the authorities under him.

2. The provision in paragraph 1 shall not prejudice the rights of the Minister of National Defense in the section of administration for reserves and replacements in the Armed Forces covered by Article VI, paragraph 2 of the law of 2 February 1950.

ARTICLE LXII. In the decree of the Polish Committee of National Liberation, dated 28 September 1944, the penal code of the Polish army,

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1. Article XLIII contains the following revision:

Dishonorable discharge includes loss of the rank held and return to the rank of soldier,

2. Article CLXV is repealed.

ARTICLE LXIII. Article LXIII of the law on civil status acts is deleted.

ARTICLE LXIV. The following modifications have been introduced in the law of 4 February 1950 on universal military duty:

1. In Article XI, paragraph 1, the words in parentheses "holders of rank in military service, in retirement" have been replaced by "noncommissioned officers in retirement";

2. Article XLII is called paragraph 1 of that article; paragraph 2 below has been added in reediting:

"2. The Council of Ministers, after deliberation, may extend, within the limit of one year, the duration of military service of the cadres specified in paragraph 1".

3. Article XLVIII, paragraph 2 has the following revision:

"2. The provisions of Article XLII, paragraph 2 and Article XLIII shall be adequately applied."

4. In Article CIII:

In paragraph 1 the words "men" is replaced by the words "noncommissioned officers".

Paragraphs 2 and 3 are deleted.

ARTICLE LXV. 1. The decree of 3 April 1948 on the military service of officers of the Polish Army is no longer valid.

2. With regard to officers of the public security service, officers of the domestic army excepted, the provisions of the above decree under paragraph 1, shall remain in force for 3 months from the date of the entry in force of the decree.

3. Until issuance of executive regulations based on the present decree, the preceding regulations shall remain in force unless they are contrary to the said decree.

ARTICLE LXVI. Execution of the decree is entrusted to the Minister of National Defense and the Minister of Public Security.

ARTICLE LXVII. The decree will enter into force on the date of publication.

The President of the Republic: B. Bierut

The President of the Council of Ministers: J. Cyrankiewicz

The Minister of National Defense: K. Rokossowski
Marshal of Poland

The Minister of Public Security: St. Radkiewicz

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